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Attorneys for Plaintiff/Counterdefendant
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware corporation, DENDRON GmbH, a German corporation, and ev3 INC., a Delaware corporation,

Defendants,

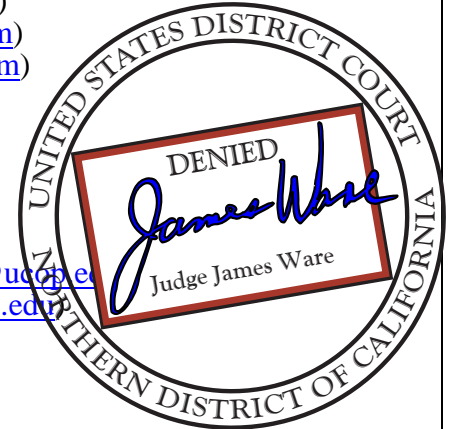
MICRO THERAPEUTICS, INC., a Delaware corporation, and DENDRON GmbH, a German corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, a Delaware corporation, and TARGET THERAPEUTICS, INC., a Delaware corporation,

Third Party Defendants



Case No. C 03 05669 JW (RS)

**STIPULATION AND [PROPOSED] ORDER
RE PLAINTIFF'S MOTION FOR LEAVE
AND TO SHORTEN TIME AND MOTION
FOR RECONSIDERATION OF THE
COURT'S OCTOBER 12, 2007 ORDER**

Judge: Honorable Richard Seeborg
Place: Courtroom 4, 5th Floor

1 Plaintiff and Counterdefendant The Regents of the University of California
 2 (“The Regents”) and Defendants and Counterclaimants Micro Therapeutics, Inc., Dendron
 3 GmbH, and ev3 Inc. (collectively “Defendants” or “MTI”) hereby stipulate as follows:

4 1. On October 12, 2007, the Court issued an Order granting MTI’s Motion to Compel
 5 Plaintiff to Produce Documents Related to its Patentability Search (Dkt. No. 946).

6 2. On October 15, 2007, The Regents filed its (1) Motion for Leave to File
 7 Emergency Motion for Reconsideration of the Court’s October 12, 2007 Order on Defendants’
 8 Motion to Compel and Motion to Shorten Time (Dkt. No. 950) (“Motion for Leave and to
 9 Shorten Time”), and (2) Motion for Reconsideration of the Court’s October 12, 2007 Order on
 10 Defendants’ Motion to Compel (Dkt. No. 952) (“Motion for Reconsideration”). Therein, The
 11 Regents requested that the Court reconsider and vacate its October 12, 2007 Order (*see* Dkt. No.
 12 952, at 1:1-22), and decide The Regents’ motions in consideration of the imminent date of trial,
 13 originally set to begin on October 16, 2007, at 10:00 a.m. (Dkt. No. 950, at 3:6-21.)

14 3. On October 16, 2007, the District Court granted the parties’ request for, and
 15 ordered continuance of the trial date in this case. (Premo Decl.¹ ¶ 4.)

16 4. The parties therefore stipulate that any briefing, hearing or decision on The
 17 Regents’ Motion for Leave and to Shorten Time (Dkt. No. 950) and its Motion for
 18 Reconsideration (Dkt. No. 952) is stayed until further order of the Court. (Premo Decl. ¶ 6.) The
 19 parties further note that the Court’s October 16, 2007 Minute Order (Dkt. No. 954) states
 20 “Plaintiff’s motion to reconsider order issued 10/12/07 to be held in abeyance.”

21 5. The parties stipulate that enforcement of the Court’s October 12, 2007 Order (Dkt.
 22 No. 946) is stayed until further order of the Court. (Premo Decl. ¶ 7.)

23 6. A Case Management Conference before Judge Ware was originally set for
 24 November 20, 2007, but the parties have requested that the Case Management Conference be
 25 reset for Tuesday, December 4, 2007, at 10:00 a.m. (Premo Decl. ¶¶ 4-5.)

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 28 ¹ “Premo Decl.” refers to the Declaration of Patrick E. Premo in Support of Stipulation and
 [Proposed] Order Re Plaintiff’s Motion for Leave and to Shorten Time and Motion for
 Reconsideration of the Court’s October 12, 2007 Order, filed herewith.

IT IS SO STIPULATED.

ATTESTATION

Concurrence in the filing of this document has been obtained from the other signatories.

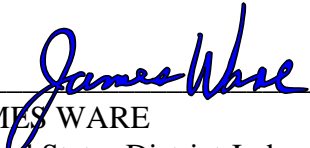
Dated: October 16, 2007

HELLER EHRMAN LLP
Attorneys for Defendants/Counterclaimants
MICRO THERAPEUTICS, INC. and DENDRON GMBH

ORDER

This Stipulation is DENIED without prejudice to being renewed after the Further Case Management Conference currently set for **December 3, 2007 at 10 AM.**

Dated: October 18, 2007



JAMES WARE
United States District Judge

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